

## MEMORANDUM

DATE: February 8, 2006

TO: Planning and Zoning Board

FROM: Marc LaFerrier, AICP, Planning and Zoning Director

BY: Elizabeth V. Holt, AICP, Acting Principal Planner

SUBJECT: **Case 2-T-06** Readopt prior Amendment to ULDR Sec. 47-13 Downtown RAC and Sec. 47-24 Development Permits and Procedures

On December 21, 1999 the City Commission adopted Ordinance C-99-75, which *amended the ULDR (Sec. 47-13.4.L.1 Downtown RAC & Sec. 47-24.1, Table 1, Development Permits & Procedures)* to provide a process for City Commission Request for Review of development plans in the Downtown Regional Activity Center (DRAC) zoning districts. The ordinance is attached as **Exhibit 1**. Memo 99-1711, which summarized the original request for the City Commission, is attached as **Exhibit 2**.

After the amendment was adopted, in a case filed against the City challenging the denial of a development permit application, the circuit court judge found that the provision was invalid based on the Court's opinion that the language was revised after the ordinance was adopted by the city commission. It is the City's position that the language was only clarified and not materially changed in intent.

At the direction of the City Commission at their February 7, 2006 Conference Meeting, we now wish to make a procedural correction in the adoption of this ordinance so that this argument may not be used in the future. The exact same language originally adopted in Ordinance C-99-75, and currently existing in Section 47-13 -20 M., Site Plan Level II, and Sec. 47-24.1, Table 1 (Items 22.b and 22.c), Development Permits and Procedures of the ULDR, is being proposed for re-adoption.

**Note:** The ULDR section numbers have changed since the original adoption of this ordinance, due to subsequent code amendments and codification of ordinances by Municode, Inc., a service the City uses to incorporate newly adopted ordinances into the ULDR.

**Action:**     **Recommend approval of the ordinance as proposed**  
                  **Recommend approval of the ordinance with revisions and/or conditions**  
                  **Recommend denial of the ordinance**

PZB (Case 2-T-06)/2-08-06/EVH